

DOCKET: KORE100005000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR:	Rak-Hyun Song)	EXAMINER:	K.D. Walker
)		
SERIAL NO.:	10/700,025)	ART UNIT:	1745
)		
FILING DATE:	November 3, 2003)	DATE:	March 8, 2007
)		
FOR:	Anode-Supported Flat-Tubular Solid Oxide Fuel Cell Stack and Fabrication Method of the Same)		

PETITION TO HAVE FINALITY OF REJECTION WITHDRAWN

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR §§ 1.113(a) and 1.181, applicants respectfully petition the Director to withdraw the finality of the rejection in the Office Action dated March 2, 2007.

The reason that the aforementioned rejection should not have been made final is that the Examiner introduced new grounds of rejection that were neither necessitated by applicants' amendment of the claims nor based on information submitted in an information disclosure statement by the applicants.

The previous Office Action dated October 19, 2006 rejected the claims only on the grounds of 35 USC § 112, second paragraph, for inclusion of a trademark and the identification of variables in a chemical formula. Applicants filed an amendment

addressing the Section 112, second paragraph rejections, and the amendment was entered and the rejections withdrawn in the March 2, 2007 Office Action.

However, the March 2, 2007 Office Action rejected the claims of the application on completely new grounds not necessitated by applicants' amendment:

- 1) Under Section 112, first paragraph, for non-enablement, because the specification does not recite the sequential order of coating slurries of the powders recited in claim 2.
- 2) Under Section 112, first paragraph, for non-enablement, because the percentages of the mixture components add up to more than 100%.
- 3) Under Section 103, on the basis of the publication "Fabrication and characteristics of anode-supported flat-tube solid oxide fuel cell," *Journal of Power Sources*, published May 7, 2003, in combination with Pham U.S. Patent Publication No. 2005/0037252, Singh U.S. Patent No. 5,516,597 and Kotchick U.S. Patent No. 4,913,982.

None of the Section 103 references had been submitted by applicants in an information disclosure statement.

Under the standards of MPEP § 706.07(a), the March 2, 2007 Office Action should not have been made final. Accordingly, applicants respectfully petition the Director to have the finality of the rejection withdrawn.

Respectfully submitted,



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